

MEMBERS PRESENT

Brian Callahan, Alternate
Thomas J. Knips, Vice Chairman
Robert LaColla
Sheila Lahey
Shannon Lashlee, Alternate
David Stenger
James H. Wick, Chairman

MEMBERS ABSENT

Robert Rahemba

OTHER PRESENT

John V. Andrews, Jr., P.E., Town Engineer
Christopher J. Colsey, Municipal Development Director
J. Theodore Fink, AICP, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
Lori Traboldt
Joseph Sarchino
Matthew Horton
Harold L. Mangold, Esq.
Anthony Trigonis
Demetreus Moustakas
Steve Weinstein
Joseph Modafferi
Michael Cordisco
Christopher Fisher
Laurie Ann Montross
John M. Kerekes
Eugene D. Ninnie, P.E.

James H. Wick, Chairman at 7:05 p.m., called the meeting to order.

DISCUSSION

MARRIOTT COURTYARD @ THE WESTAGE BUSINESS CENTER

Ms. Traboldt stated she would like to take the existing pylon sign that is sitting close to the ramp of I-84 and relocate it, as customers get confused. Ms. Traboldt stated they would like to move the sign about 400' north and they would like to change the shape of the top of the sign.

Mr. Andrews stated that the NYSDOT has some degree of involvement here but this request is entirely at the discretion of this Board. Mr. Colsey stated he has heard complaints from people mistaking the I-84 ramp for the entrance to the Marriott Courtyard.

Mr. Wick asked Ms. Traboldt if she was aware of the Greenway Guidelines. Mr. Wick asked if Marriott had an objection to a monument sign. Ms. Traboldt stated they have a monument sign currently and plan to utilize the pylon sign too. Ms. Traboldt stated she would have to check on costs for a new type of sign.

DISCUSSION
MARRIOTT COURTYARD @ THE WESTAGE BUSINESS CENTER
(CONTINUED)

Mr. Colsey stated they Board is just using this as an opportunity to tie this in with the Greenway Guidelines. Ms. Traboldt stated they have just purchased a new top for the existing pylon sign.

Mr. LaColla stated part of the Greenway Guidelines is to go to a single identifying marker at the entrance. Ms. Traboldt stated she really just wants to get the sign off the ramp, as it is becoming a safety issue.

Mr. Wick asked if Marriott would consider removing the pylon sign entirely. Ms. Traboldt stated probably not.

Ms. Birney asked what the square footage is going to be of the pylon sign. Ms. Traboldt stated she doesn't have the specifics with her but can obtain them.

Ms. Birney stated she believes the Board would love to see the pylon sign go away and is willing to work with the Marriott to discuss this.

Ms. Traboldt stated as you travel there is a pylon sign, a sign on the building and a small monument sign at the entrance of the building.

Ms. Birney stated her personal preference would be no signage at all and to work with Marriott to enhance the signage on the building. Ms. Traboldt stated she doesn't want to remove the sign and is certain the owner will not want to remove the sign.

Ms. Traboldt stated she is really just interested in moving the pylon sign farther north for safety reasons. Mr. LaColla stated he did go out and see the sign and as a pylon, he thought moving the sign would not lessen the confusion that drivers are currently experiencing.

Mr. Andrews stated if the Board will recall when this was approved it was the old entry and exit to Route 9 and there was a disputed portion of the parcel, which ultimately the Westage Business Center lost. Mr. Andrews stated the signage that was approved is closer to the I-84 intersection due to its reconfiguration by the NYSDOT.

Mr. Fink stated if the Board would like he can do a site visit and report to the Board at the next meeting with his recommendations. The Board agreed with Mr. Fink's suggestion.

Mr. Andrews stated the Board needs to see the proper location of the signage, the size of the sign and the colors of the existing sign and information for the new sign as suggested and that Mr. Fink have an opportunity to look at it. Mr. Andrews stated theoretically this is a Site Development Plan Amendment.

It was the consensus of the Board that full details of the existing sign and the new proposed sign be submitted for review by Mr. Fink

REVIEW
LANDS OF HARRISON - SUBDIVISION

Mr. Andrews reviewed his memorandum to the Board dated March 24, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Knips made a motion that the Board authorize the preparation of a Resolution of Final Approval for the Lands of Harrison Subdivision to be reviewed at the April 14, 2005 Planning Board meeting. Seconded by Mrs. Lahey. Motion carried.

REVIEW
TOWN BOARD REZONING REFERRAL - ROBERT CHIULLI
LEAD AGENCY CIRCULATION

Mr. Andrews stated the GB Zoning line as it exists doesn't make sense where these parcels are. Mr. Andrews stated this parcel is now zoned residential and is probably not the best place for a residential zone. Mr. Andrews stated the applicant is requesting that this entire parcel be rezoned to GB. Mr. Andrews stated the Town Board has agreed to entertain this rezoning application.

Mr. Knips made a motion that the Board recommend that the Town Board serve as Lead Agency for this Rezoning Application. Seconded by Mrs. Lahey. Motion carried.

PUBLIC HEARING
WATERFRONT @ FISHKILL - PHASE VI - RETAIL PARCEL

Mr. Knips recused himself from this public hearing.

The final public hearing for the Waterfront @ Fishkill - Phase VI - Retail Parcel was called to order by the Board at 7:30 p.m. Mr. Wick read aloud the Notice of Public Hearing.

Mr. Sarchino introduced himself as the representative for this project. Mr. Sarchino stated he has worked on this project for approximately 20 years. Mr. Sarchino stated the proposal is to construct Phase A, a 32,000 SF multi-phase retail development. The parcel for this proposal is located on the west side of Route 9D, between Brockway Road and Firethorn Drive across from the Dutchess Stadium in the GB (General Business) Zoning District and consists of 33.44 acres. Mr. Sarchino stated the Phase A development is in the southern portion of the parcel and at the December public hearing, a few questions were raised regarding visual impacts. Mr. Sarchino stated in response they have added additional plantings to the rear and side of the property. Mr. Sarchino stated there will be sidewalks and they have created some pedestrian areas in the front. Mr. Sarchino stated an access is located on Firethorn Drive and by the newly constructed firehouse. Mr. Sarchino stated Route 9D will be widened and a right-turn lane will be added into the property and a left-turn lane will be added by the Dutchess Stadium. Mr. Sarchino stated there will be a new traffic signal installed here. Mr. Sarchino stated these improvements are being made to help support additional development.

Mr. Sarchino stated Mr. Simone will be submitting the final architectural drawings to the Board shortly. Mr. Sarchino stated the front of the building will be village type architecture with detailed windows and it will have brick accents.

FINAL

PUBLIC HEARING
WATERFRONT @ FISHKILL - PHASE VI - RETAIL PARCEL
(CONTINUED)

Mr. Wick asked if there has been any luck filling the large space; Mr. Sarchino stated no there has been no interest yet.

Mr. Wick asked if there were any questions, comments or concerns regarding this proposal.

Mr. Oberhauser asked if there are any intentions to have the loop bus stop here. Mr. Sarchino stated he didn't believe there have been any discussions with the NYSDOT or the County for the Loop Bus. Mr. Oberhauser asked if this is something that would be considered; Mr. Sarchino stated yes.

Mr. Case of 19 Magnolia Drive stated there is already a stop light by the gas station and there is going to be another traffic light now. Mr. Sarchino stated the existing light and new light will be connected and properly timed jointly and keep the traffic flowing as smoothly as possible.

Mr. Sovik of 16 Magnolia Drive asked if this new light will be tied in with Red School House Road and Old Castle Point Road. Mr. Sarchino stated no, they are not going to be tied into these lights. Mr. Sovik suggested contacting Adams Fair Acre Farms to fill in the large spot. Mr. Sovik asked if anyone has investigated the parking fees that are being collected for the stadium as it is used for parking. Mr. Sarchino stated they are aware of it and security will be monitoring this.

Mr. Wick asked if there were any further questions, comments or concerns regarding this proposal. There was no response from those in general attendance.

Mr. LaColla made a motion that the Board close the public hearing at 7:45 p.m. Seconded by Mrs. Lahey. Mr. Knips abstained. Motion carried.

Mr. LaColla made a motion that the Board authorize the preparation of a Resolution of Final Approval and that the Chairman sign it when satisfied. Seconded by Mrs. Lahey. Mr. Knips abstained. Motion carried.

PUBLIC HEARING
QUALITY INN HOTEL (FORMERLY THE I-84 HOTEL) - SPECIAL USE PERMIT

Mr. LaColla recused himself from this discussion.

The public hearing for the Quality Inn Hotel (formerly the I-84 Hotel) - Special Use Permit was called to order by the Board at 7:46 p.m. Mr. Wick read aloud the Notice of Public hearing.

Mr. Mangold stated at this time an application for a Quality Inn and Suites, which is 57 rooms, and 6 suites for 63 rooms rather than 65 as noted in the public hearing, the number of rooms has changed. Mr. Mangold stated they are proposing to construct a three-story/63 room hotel; the parcel for this proposal is located at the intersection of NYS Route 52 and I-84, in the GB (General Business) Zoning District and consists of 2.4 acres.

PUBLIC HEARING
QUALITY INN HOTEL (FORMERLY THE I-84 HOTEL) - SPECIAL USE PERMIT
(CONTINUED)

Mr. Mangold stated there are no changes to the diner and the area for the proposed hotel has a footprint of a three-story building, this is a nationwide chain and they will be abiding by their requirements.

Mr. Mangold presented an aerial of this area and stated they will be having meetings with the NYSDOT and Thruway Authority to discuss how this will work. Mr. Mangold stated there is a traffic study being prepared by John Collins which will be submitted to the Board. Mr. Mangold stated they exceed the required parking for the diner as well as the Quality Inn Suites.

Mr. Knips stated that the NYSDOT wanted to see the existing entrance as a right-turn in and right-turn out only and asked the status of this as this was going to be clarified. Mr. Horton stated they are awaiting the traffic study and they will be submitting this to the NYSDOT.

Mr. Wick asked if someone could address the Board's request to relook at the whole parking area. Mr. Horton stated they have not redesigned the entire parking lot as they are awaiting the traffic study. Mr. Wick asked Mr. Horton to address the variance requested. Mr. Horton stated they presented the three (3) variance requests at the ZBA and are awaiting a decision from the ZBA.

Mr. Wick asked if the Board's letter was read into the record at the ZBA meeting. Mr. Colsey and Mr. Horton stated yes.

Mr. Wick stated the Planning Board is charged with making sure the applicants follow the law of the Town and when they do not, they have the option to go away or they may go to the ZBA to obtain relief from the setbacks. The ZBA is a judicial body and the Planning Board is not, and cannot stop a project if it meets the law.

Mr. Horton stated they seeking variances for : A 52' side yard variance creating a 48' side yard setback where 100' is the minimum, a 20' rear yard variance creating a 80' rear yard setback where 100' is the minimum; and ½ story variance to create a three (3) story hotel where 2 ½ stores is the maximum.

Mr. Wick asked if there were any questions, comments or concerns regarding this proposal.

Mr. Delpizio of 6 Milholland Drive asked why we are still looking at two (2) entrances instead of one. Mr. Mangold stated they must have a separate truck entrance. Mr. Delpizio stated one of the biggest problems is there are residential communities here that have supported this diner for quite some time. Mr. Delpizio stated at Greenhills they have experienced problems with the trucks and the Town is becoming hotel city. Mr. Delpizio stated the traffic continues to increase and another light is not the answer. Mr. Delpizio stated we were told that some of the truck parking is going to be eliminated. Mr. Mangold stated there are parking spaces for six (6) trucks only. Mr. Delpizio stated the seventh truck is going to hold up traffic and cause problems. Mr. Delpizio stated these trucks are not going to stop unless you have a sign that indicates no trucks allowed.

PUBLIC HEARING
QUALITY INN HOTEL (FORMERLY THE I-84 HOTEL) - SPECIAL USE PERMIT
(CONTINUED)

Mr. Mishka of Putnam Road asked how many truck spaces exist now for the diner. Mr. Horton stated 30 truck spaces exist now. Mr. Mishka asked what is going to happen when these spaces are reduced to six (6) trucks. Mr. Mishka stated it is not feasible to him to reduce the truck spaces.

Mr. Tyrrell of 15 Kip Drive stated he is concerned where the trucks are going to go. Mr. Tyrrell stated 84 Diner is known from coast to coast and the trucks are not going to stop coming here.

Mr. Gallagher of 12 Putnam Road stated after the ZBA meeting on his way home he drove into the diner at 9 p.m. and there were 17 trucks parked behind the diner.

Mr. Wick asked if all were concerned with the trucks, there was a raise of hands and those in the general audience agreed.

Ms. Paladino of 10C Milholland Drive stated she hopes that the Traffic Study be an independent study. Mr. Andrews stated the traffic study is being done by John Collins Engineer by Mr. Grealey and they have presented to the Town before. Mr. Andrews stated it has been custom and practice of the Town that in the event the Planning Board deems it necessary, they hire their own traffic engineer, which is at the cost of the Applicant. Ms. Paladino stated it is fair to say that the people in this community of Forge Brook and Green Hills do not see the justification for another new hotel when we already have existing bad conditions with traffic from the diner. Ms. Paladino stated she would hope the Board will take a long hard look at this because this is a concern.

Mr. Wick stated the Planning Board has received two (2) petitions objecting to this proposal: One (1) from Fishkill Senior Citizens Group received on March 22, 2005 signed by Yolanda Jasilli, President of the Fishkill Senior Citizens Group and the second petition is signed by the Residents of Fishkill, NY and as received on March 24, 2005.

Mr. Gallagher stated he is concerned that these trucks will be parking along Putnam Road and it will become a parking area.

Ms. Manlon of Greenhills of Glenham stated the representative failed to mention that some of this goes up hill and took pictures from building no. 9 of Greenhills and presented them to the Board. Ms. Manlon stated she is concerned as to where they are putting their sewer system as it wasn't mentioned tonight or at the ZBA Meeting. Ms. Manlon stated she is concerned with the increased traffic by the ice cream sign. Ms. Manlon asked if speed bumps are planned for the entranceway; Mr. Horton stated no.

Mr. Horton stated they will be tying into the existing municipal sewer and additionally they will be adding 8' wide planter islands to separate the lot by the ice cream stand.

Ms. Maynard asked what happens if Quality Inn doesn't work out, do we have to worry about Section 8 Housing moving in. Mr. Mangold stated they will never allow anything like a Section 8.

PUBLIC HEARING
QUALITY INN HOTEL (FORMERLY THE I-84 HOTEL) - SPECIAL USE PERMIT
(CONTINUED)

Ms. Russo of 12 Kip Drive asked why doesn't the owner build on I-84 and she believes he is putting this hotel up at the residents' expense. Ms. Russo stated she was told to mention the neon lights were very tacky.

Mr. Ritter of 10 Putnam asked if these are the same plans that were shown at the ZBA meeting, Mr. Horton stated they brought a copy of the site plan. Mr. Ritter stated ZBA has not made a decision yet; Mr. Wick stated correct. Mr. Wick stated if they do not get the ZBA Variance, the project cannot take place. Mr. Wick stated they would adjourn this public hearing and open it up again when the ZBA has made a decision on the variances.

Mr. Dennis of 10I Milholland Drive stated in both cases of the Waterfront Retail and the Crest something was done for the residents; what are these applicants prepared to do for this section of Fishkill?

Mr. Murray of Milholland Drive stated if these hotels were to be built and traffic starts backing up what is not to say that the next good intersection will be Old Glenham Road and what will stop the NYSDOT from adding an entrance to Milholland Drive to the Hotel. Mr. Wick stated this will be investigated.

Mr. Oberhauser stated this not a commercial area; it is mostly doctors' offices. He stated the residents are adamantly against this project and he doesn't think this a benefit to the community.

Mr. Malvarosa of 14 Van Steuben Drive stated he has been here for 16 years and we are being developed and this is not going to add anything to the community; the traffic is getting worse and worse.

Mr. O'Connor of 850 NYS Route 52 asked if a truck exiting the diner can make a right and go to the western exit. Mr. Horton stated there will be no way for it to get into this travel lane; they are not proposing to change the entrances or exits for trucks. Mr. Wick stated he is going to presume that truckers will not be guests of the hotel unless they are parked in one of the six (6) spaces. Mr. Horton stated that is correct. Mr. O'Connor asked if the height barriers will remain; Mr. Horton stated they will remain.

Mr. Mishak asked who enforces the two (2) hour rule for the truck parking. Mr. Mangold stated the applicant will be hiring police to enforce this.

Ms. Jasilli stated she went to look at the doctor's buildings and behind them, there is a hill; will this hotel be built on top of the hill? Mr. Horton stated the first floor of the hotel is 25' below.

Ms. Skawinski of 43 Kip Drive stated that the ZBA told us to come to this meeting as they were only addressing the variances. Ms. Skawinski stated all the issues that the residents are bringing up are our concerns. Ms. Skawinski stated Forge Brook is notorious for bad drainage and she is concerned this will add to the drainage problems at Forge Brook. Ms. Skawinski stated until all the traffic studies, etc. are completed she would hope that this Board will not make a decision.

PUBLIC HEARING
QUALITY INN HOTEL (FORMERLY THE I-84 HOTEL) - SPECIAL USE PERMIT
(CONTINUED)

Mr. Ritter of Putnam Road stated they went to the ZBA first in 2001; how did that happen? Mr. Wick stated we are discussing this.

Ms. Russo of 12 Kip Drive stated there is an existing problem with the tractor trailers and how are the trucks in the proposed six spaces going to turn around. Mr. Wick stated that will have to be demonstrated.

Mr. Gallagher stated he estimates there are 100 trucks that go to the diner everyday. Mr. Gallagher asked how the diner plans to get the word out to the truckers. Mr. Gallagher stated the NYS Route 52 traffic is currently bad and wants to know how they expect cars to make a left turn out during rush hour.

Mr. Delpizio stated the detention basin in the back will have standing water. Mr. Horton stated it is a dry detention basin. Mr. Delpizio stated every street is potentially at risk for all streets to have trucks parked on them.

Ms. Russo asked what are the chances of getting signs put up at the end of Kip and Heath. Mr. Wick stated the sign issue needs to be taken to the Town Board.

Ms. Paladino stated when you go down to Route 9, I-84 there will be approximately 11 hotels in the area, and there are no hotels as close to residential areas as this will be to this community. A very big burden is being put on the community with this hotel. Ms. Maynard asked if there is an environmental statement; Mr. Wick stated he believes there will be.

Mr. Terrell asked what sewer system they will be connecting to. Mr. Andrews stated the diner is already part of a municipal sewer and this will be part of it as well. Mr. Andrews stated the current municipal sewer was designed to accommodate additional flows to pick up most of this area at full development.

Mr. Statini stated they should widen NYS Route 52 as part of this proposal they should improve the road and put up a privacy wall.

Ms. Russo of 12 Kip Drive asked if the sound barrier walls and safety walls are part of the Planning Board's decision. Mr. Wick stated relative to I-84 they are at the NYS Thruway Authority's discretion and we have been told they will not do sound barrier walls. Mr. Wick stated a sound barrier wall that is not on the NYS property that would be this Board's decision.

Mr. Steele of Sunnyside Road asked if this a right-turn in right-turn out only. Mr. Wick stated there is a letter from the NYSDOT indicating this. Mr. Andrews stated it is NYSDOT's preference, which goes no further than that at this time.

PUBLIC HEARING
QUALITY INN HOTEL (FORMERLY THE I-84 HOTEL) - SPECIAL USE PERMIT
(CONTINUED)

Ms. Maynard stated the variances are for 35' high, the 52' on 100' and 20' from the highway and there is a code for noise. Mr. Maynard stated the noise is not being addressed in the variance application and why isn't it being addressed? Mr. Wick stated he cannot answer that at this time.

Mr. Gallagher stated he looked up hotels in Fishkill and currently there are 969 rooms in Fishkill on Route 9 between I-84 and Main Street which includes the Village of Fishkill. Mr. Gallagher asked if the Town doesn't need a hotel does that factor into the decision. Mr. Wick stated this may come up when they go through SEQRA.

Mr. Oberhauser stated he works at the Marriott and they are lacking in rentals. Mr. Oberhauser stated this whole area west of I-84 and south is a residential area and people welcomed the diner.

Mr. Knips made a motion to adjourn the public hearing at 9:00p.m. until the April 28th Planning Board meeting. Seconded by Mrs. Lahey. Mr. LaColla abstained. Motion carried.

Mr. Fink stated the first issue the Board needs to address is the potential of environmental impact. One is to issue what is called a Negative Declaration and the Board does this after thoroughly examining all the information. The other direction is a Positive Declaration that would require that the applicant provide an Environmental Impact Statement, which is the first part of the scoping session, and solicits the input of agencies and the public and then the Board, does a final scoping document. Once the Board is satisfied that all is addressed they establish a public comment period; they have time after the public hearing for acceptance for written comments and then the public comment period ends on the DEIS. The next stop is the FEIS which consists of a response to all questions and comments on the DEIS and the Board reviews all items and once the FEIS is adopted the Board adopts a Findings Statement to either approve the project or deny the project. This will complete the SEQRA process and is done before the Board can make a decision on approving the document.

Mr. Fink stated the next step is to decide whether an environmental impact statement is required. Mr. Wick instructed Mr. Fink to prepare a report for the Board on this.

PUBLIC HEARING
THE CREST @ FISHKILL - SUBDIVISION, SITE DEVELOPMENT PLAN
AND FRESH WATER WETLANDS, WATERCOURSE AND WATERBODY PERMIT

The public hearing for The Crest @ Fishkill - Subdivision, Site Development Plan and Fresh Water Wetlands, Watercourse and Waterbody Permit was called to order by the Board at 9:17 p.m. Mr. Wick read aloud the Notice of Public Hearing.

Mr. Cordisco introduced himself as the attorney for this project. Mr. Cordisco stated at the at the last meeting this reason this public hearing was adjourned was to meet an outstanding affordable housing issue with the Town Board. Since that time, the project sponsor has proposed to provide two (2) affordable housing units and \$500,000.00 to the affordable housing trust fund for the Town.

FINAL

PUBLIC HEARING
THE CREST @ FISHKILL - SUBDIVISION, SITE DEVELOPMENT PLAN
AND FRESH WATER WETLANDS, WATERCOURSE AND WATERBODY PERMIT

Mr. Cordisco stated the Town Board had on its schedule last week to take action under SEQRA but the Town's consultants had not fully reviewed the EAF materials so the Town Board did not close SEQRA at its meeting this week. Without a SEQRA determination in place, this Board is constrained not to take action again.

Mr. Wick asked Mr. Cordisco asked if he would like this adjourned to the next meeting on April 14th or the one after on April 28th.

Mr. Andrews stated the Town Board and the Supervisor have given the Applicant and the its consultant's until the April 6th meeting to complete this review. Mr. Andrews suggested that this be adjourned until the April 14, 2005 Planning Board meeting.

Mr. Andrews stated the applicant has added details to the site plans and as a consequence, the project is slightly different.

Mr. Knips made a motion to adjourn the public hearing at 9:23 p.m. and to reopen the public hearing at the April 14, 2005 Planning Board meeting at 7:30 p.m. or as soon thereafter as possible. Seconded by Mrs. Lahey. Motion carried.

REVIEW
THE CREST @ FISHKILL - SUBDIVISION AND SITE DEVELOPMENT PLAN

Mr. Weinstein stated they have come to an agreement with the Town that two (2) affordable units will be available on site each will be 1,100 S.F. - two (2) bedroom and two (2) bathrooms and will look almost identical to the market units.

Mr. Weinstein stated building 22 was adjusted somewhat so that we can ensure the sidewalk connection to the future retail parcel. Mr. Stenger asked if the unit count changed. Mr. Weinstein stated that they added one (1) more unit to bring the total number of units to 106.

Mr. Weinstein presented to the Board an elevation drawing of the units - market as well as affordable. Mr. Weinstein presented the floor plans for the first and second floor units. Mr. Gromkowski stated the affordable units more than meet the square footage required in the Town Code.

Mr. Sarchino stated they have finalized the stormwater management area. Mr. Sarchino stated they had to add a 20' high retaining wall.

Mr. Wick stated he would really like to see the emergency access a paved road. Mr. Sarchino asked if they could pave up to the other owner's parcel. Mr. Weinstein stated he will investigate this. Mr. Andrews stated we need to explore alternatives for the emergency access road.

FINAL

REVIEW
THE CREST @ FISHKILL - SUBDIVISION AND SITE DEVELOPMENT PLAN

Mr. Andrews reviewed his memorandum to the Board dated March 24, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Fink reviewed his memorandum to the Board dated March 24, 2005; a copy of this memorandum is attached to the original minutes.

REVIEW
HOME DEPOT - AMENDED SITE DEVELOPMENT PLAN

Mr. Wick stated we have had some discussion relative to the sign. The Board is going to include in the Resolution of Approval the work product provided by Ms. Murray to be inserted after condition number 5 and to be added is the language regarding the outside display area which was provided to the Board at the March 10, 2005 Planning Board meeting.

Ms. Murray stated there was a conference with Ms. VanTuyl, Mr. Blass, Mr. Colsey, Mr. Wick, Ms. Birney and Mr. LaColla on the issue of the signage proposed. Ms. Murray stated the documents provided by Ms. VanTuyl for the variance in 1977 doesn't exactly show that a variance had been granted for 40'. Nonetheless, the Applicant came back with a 32' high size sign and there was discussion of a sunset provision and the applicant has rejected that idea. Ms. Murray stated the Planning Board has a role in the sign review for recommendation to the Building Inspector concerning the size, suitability of design and location and color. Ms. Murray stated the consensus she received from the Board is that they were not recommending the sign and that is why she has provided the proposed language, which incorporates what the Town Code permits and references the Greenway Guidelines. Ms. Murray reviewed her suggested language to be added to the Resolution of Final Approval.

Ms. Murray suggested that the materials, colors and textures may not be an issue here. Mr. Knips suggested referencing 150-30(f)(1) which indicates only one sign may be illuminated. Ms. Murray stated this maybe incorporated as the Planning Board's role is recommendation. It was the consensus of the Board that 150-30(f)(1) be included with Ms. Murray's language.

Ms. Murray stated the 32' sign is still on the table with 400 S.F. which does not change anything that she has written up. Mr. Wick stated this will be between the lawyers and the Building Inspector.

Mr. Stenger asked why are we adding this whole paragraph to the Resolution of Final Approval. Mr. Wick stated this Board is supposed to give its advice on the issue.

Mr. Andrews stated on page 3 of 8 the second Whereas needs to be revised to indicate that we need to know the how and where of these transformers and this should be included as a condition not a Whereas. Mr. Andrews stated page 3 of 8 the third Whereas must be revised to become a condition.

Mr. Andrews stated that on page 4 he is not sure what Mr. Colsey is looking for to fill in the blank because this is ongoing. Mr. Andrews suggested striking this Whereas completely.

FINAL

REVIEW
HOME DEPOT - AMENDED SITE DEVELOPMENT PLAN

Mr. Andrews suggested that on condition no. 2, this can come prior to the issuance of a certificate of occupancy

Mr. Andrews stated on condition number 4 the Applicant did prepare and provide this so this should become a Whereas.

Mr. Andrews stated there are two additional conditions that need to be included (1) the Applicant consented to making alterations to the south entrance and (2) We need a condition that says that the Applicant will satisfy the Village of Fishkill with respects to the arrangements for water supply from the Village of Fishkill.

Mr. Wick asked if all engineering issues have been satisfied. Mr. Andrews stated for the most part everything he has asked for has been provided but he needs to review the latest submission to see if he is 100% satisfied.

Ms. Montross asked if the CHGE would be a condition of signing the final drawings. Mr. Andrews stated yes and it will be needed before the demolition plan. Mr. Andrews stated the fire districts are using the facility without making any physical modifications; they are not starting demolition.

Mr. Fisher presented the Board with photographs of the signage for the first submittal through the current submittal. Mr. Fisher stated with respect to the variance he believes they have a variance. Mr. Wick stated we do not need to discuss this further.

Mr. Fisher stated the compromise that was discussed was a 32' high sign, which they said they could not live with for valid reasons. They believe they have a legal right to the 40' sign.

Mr. Fisher stated the sign has always been on the site plan drawings and we can agree on that. Mr. Fisher stated his sense is that we are always talking about height, not the detail of the stone. Mr. Fisher stated he wants to the Board to consider in Ms. Murray's language removing the 150-30(f)(1) because it is really the purview of the building inspector. Mr. Wick stated it is part of the Board's recommendation. Mr. Fisher stated the other concern is that the plans submitted must conform to code as he wants to clarify the language from an attorney's point of view that some could subsequently say.

Mr. Wick stated Mr. Fisher's argument is going to be with Building Inspector on the signage not the Planning Board.

Mr. Fisher suggested that with respect to the location, design and color he has not heard an objection to these from the Board. Ms. Murray stated the Planning Board from the design they are coming up with their recommendation and incorporation the 40' and the square footage as part of there recommendation.

Mr. Wick asked Ms. Murray if she is satisfied with her language as it has been amended this evening. Ms. Murray stated yes.

FINAL

REVIEW
HOME DEPOT - AMENDED SITE DEVELOPMENT PLAN

Mr. Wick stated the language for the signage and outdoor display area will be e-mailed to the Board for their review prior to him signing the Resolution.

Mr. Knips made a motion to adopt the Resolution of Final Approval as modified during the course of discussion this evening and that the Chairman sign it when he is satisfied. Seconded by Mrs. Lahey. Mr. Stenger opposed. Motion carried.

REVIEW
WESTAGE LOT 5 HOTEL - TOWN PLACE SUITES & SPRINGHILL SUITES -
SITE DEVELOPMENT PLAN

Mr. Andrews reviewed his memorandum to the Board dated March 24, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Fink reviewed his memorandum to the Board dated March 24, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Knips made a motion that the Board accept Lead Agency Status for this proposal. Seconded by Mr. Knips. Motion carried.

REVIEW
MARCH 10, 2005 PLANNING BOARD MINUTES

Mr. Knips made a motion that the Board adopt and approve the March 10, 2005 Planning Board minutes as amended. Seconded by Mrs. Lahey. Motion carried.

OTHER ITEMS

Mrs. Birney asked how the trust fund that is being set up for Affordable Housing is going to be utilized. Mr. Gromkowski stated it will be used to fund the Town's Housing Department, a fund to help first-time home buyers and to help with emergency repairs for the elderly. Mr. Gromkowski stated this has not been set in stone yet.

Mr. Knips made a motion to close the meeting at 11:00 p.m. Seconded by Mr. LaColla. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to the original minutes

FINAL